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[10191/4073]

Written Opinion of the  
Int. Searching Authority

Int Appl No. PCT/EP2004/050288

Box No. II      Priority

1.    x      The following document has not yet been furnished:

          x      copy of the earlier application whose priority  
has been claimed

                  (Rules 43bis.1 and 66.7 (a))

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to  
novelty, inventive step or industrial applicability; citations  
and explanations supporting such statement

1.    Statement

Novelty (N)	Yes: Claims 2,3,5,6 No:    Claims 1,4,7-10
Inventive Step (IS)	Yes: Claims 3 No:    Claims 1,2, 4-10
Industrial Applicability (IA)	Yes: Claims 1-10 No:    Claims

2.    Citations and explanations:  
      see appended sheet

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Box No. VIII

**Certain observations on the international Application**

The following observations on the clarity of the claims, description, and drawings or on the question of whether the claims are fully supported by the description, are made

**see appended sheet**

**Re Section V.**

1 In the present Office Action we refer to the following documents:

D1: DE 198 36,845 A (BOSCH GMBH ROBERT) February 17, 2000

D2 EP 0 768 455 A (BOSCH GMBH ROBERT) April 16, 1997

D3: DE 197 39,564 A (BOSCH GMBH ROBERT) March 11, 1999

2 INDEPENDENT CLAIM 1

2.1 The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claims 1 is not novel in the sense of Article 33 (2) PCT. Document D1 describes (the parenthetical references relate to this document):

A method for operating an internal combustion engine (12), using the steps

- setting the torque output of the internal combustion engine via a power actuator (see output lines 42 in Figure 1 and column 2, lines 40 to 46) as a function of the signal of a driver command sender (24) (see column 2, lines 49 to 52);
- forming a value for a maximum admissible torque of the internal combustion engine (see Figure 2, step 106 and column 3, lines 40 to 43),

- forming a dimension figure for the actual torque of the internal combustion engine (see Figure 2, step 104 and column 3, lines 37 to 40) and comparing the dimension figure to the value (see Figure 2, step 108 and column 3, lines 53 to 55); and
- triggering an error response if the actual torque exceeds the maximum admissible torque (see Figure 2, step 110 and column 3, lines 55 to 59);
- an intervention of a fault regulator being superimposed on an activating signal of the power actuator (in this case, the fault regulator is an idle controller, which compensates for rotary speed reduction as a result of a disturbance by an increase in torque; see Figure 2, step 112 and column 4, lines 32 to 35),
- the value for the maximum admissible torque being formed from linking a first approximation value to an estimated value for the torque contribution of the fault regulator (absolute value, which is fixed or is a function of the change with time of the rotary speed, see Figure 2, step 106 and column 3, lines 43 to 53),

- the first approximation value being formed as a function of the signal of the driver command sender (see Figure 2, step 106 and column 3, lines 40 to 43).

3 INDEPENDENT CLAIM 9

3.1 The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claim 9 is not novel in the sense of Article 33 (2) PCT. Document D1 describes (the references in brackets refer to this document), besides the method shown under 2.1, also a control unit (10) (see also Claim 10) for carrying out the method.

4 INDEPENDENT CLAIM 10

4.1 The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claims 10 is not novel in the sense of Article 33 (2) PCT. Document D1 describes (the references in brackets refer to this document) the use of a control unit (10) for controlling an internal combustion engine (12), using the components fuel injectors, throttle valve actuators in connection with throttle valve and ignition system (see column 2, lines 40 to 46).

5 DEPENDENT CLAIMS 2, 4-6, 8

5.1 Claim 2 does not appear to be inventive in the sense of Article 33(3) PCT. D2 discloses the implementation of a fault regulator in the form of a device for damping jerking as a D2T2

component, as does the present Application. Therefore, one skilled in the art would regard the taking up of this device for damping jerking as an additional form of a torque-modifying fault regulator as a usual measure for attaining the set object of an improved monitoring acuteness.

5.2 Claims 4 to 6 do not seem inventive in the sense of Article 33(3) PCT, since the ascertainment of the admissible torque while using the actually output power controlled variable as well as an extremal selection is described, for example, in D3. One skilled in the art would regard this as a usual measure for attaining a set object.

5.3 Claims 7 and 8 do not appear inventive in the sense of Article 33(3), regardless of the missing clarity referred to in paragraph 7, since usual measures are involved which one skilled in the art would apply for attaining the set object.

## 6 INDEPENDENT CLAIM 3

6.1 The combination of features, contained in dependent Claim 3, of emulating the fault regulator using a D2T2 component having fixed parameters for ascertaining the estimated value for the torque contribution of the intervention of the fault regulator is neither known from the present related art nor is it made obvious by it. Consequently, Claim 3 appears to be inventive in the sense of Article 33(3) PCT.

Re Section VIII

7      DEPENDENT CLAIMS 7 AND 8

7.1   Claim 7 does not meet the requirements of Article 6 PCT, since the reference to another claim is not noted.

7.2   Claim 8 does not meet the requirements of Article 6 PCT, since the subject matter of the claims is not clearly defined. In the claim, the attempt is made to define the subject matter by the result that is to be achieved, but thereby is stated only the object to be attained, without offering the necessary technical features for the achievement of this result.